

OFFICE OF
VILLAGE CLERK



VILLAGE OF LARCHMONT
120 LARCHMONT AVENUE
LARCHMONT, NY 10538
TEL: (914) 834-6230
FAX: (914) 833-2170

WWW.VILLAGEOF LARCHMONT.ORG

TABLES & CHAIRS PERMIT FOR PLACEMENT ON PUBLIC SIDEWALKS

APPLICANT INFORMATION

Today's Date			
Establishment Name			
Address			
E-mail Address			
Daytime Phone		Evening Phone	
No. of Tables Requested		No. of Chairs Requested	
Tables/Chairs Location			

Photograph/Graphic Design and Sketch attached

I certify that the information contained in this application and supporting documents is true and correct.

Signature: _____

FOR BUILDING DEPARTMENT USE ONLY:

- Application materials submitted
 Inspection made – Table & Chair Location Approved
 Proper Insurance Certificate Received

Building Inspector Initials _____ Date Approved _____

FOR OFFICE USE ONLY:

Fee Paid \$ _____ CA CK CC Date Issued _____ Permit No _____



VILLAGE OF LARCHMONT REGULATIONS FOR PLACING TABLES AND CHAIRS ON PUBLIC SIDEWALKS

A. General Criteria

1. Tables and chairs will be permitted to be placed on public sidewalks in certain areas which meet the criteria set forth herein, but in no event will they be permitted in areas which are not zoned for retail use.
2. Unless otherwise permitted by the Board of Trustees and/or the Building Department, tables and chairs will only be permitted for service of food from the establishment to which they are adjacent to patrons of that establishment. They are not to be used for display of products, materials or signage.
3. Any permit granted under the terms of these regulations for the placement of tables(s) and chairs(s) on public sidewalks will be revocable at any time at will by the Larchmont Board of Trustees.

B. Application

1. The application shall be submitted to the Clerk of the Village of Larchmont who shall issue the permit upon compliance with all conditions set forth herein, including, but not limited to, approval of location by the Building Department.
2. The applicant must be the owner or operator of the business where the tables and chairs will be placed. If tables and chairs are also to be placed in front of adjacent storefronts, the applicant must receive permission from both the landlord and tenant of the adjacent storefronts in order to place tables and chairs on the sidewalks at those locations.
3. The application shall give the name of the business applying for the tables and chairs, the name of the individual owner or employee of the business who will be responsible for the placement and removal of the tables and chairs, the phone number of the business, the address of the business, and the proposed location of the tables and chairs.
4. The application shall include a photograph or graphic design and detailed sketch of the tables and chairs indicating all dimensions and locations relative to the adjacent building and the curb.

C. Location Criteria

1. Pedestrian and vehicular traffic shall not be impeded or obstructed.
2. All tables and chairs must be placed against the building with no chairs between the building and the tables(s).
3. There shall be no more than four (4) chairs per table if approved by the Building Department.
4. Chairs shall be placed on the sides of the tables and shall not be placed on the building or street side of the table, which will cause further encroachment onto the sidewalk.
5. No tables or chairs will be permitted on any sidewalk which is less than six (6) feet in dimension from the building to the curb.

C. Location Criteria (continued)

6. There must be at least (5) feet clear from the table toward the curb (i.e., tables may not be placed in locations where there are obstructions such as trees, signs, or wastebaskets within four feet toward the curb.)
7. If permission is obtained from landlords and tenants of adjacent storefronts, tables and chairs from the applicant's establishment may be placed on the sidewalks in front of those establishments, provided that the tables meet all criteria outlined in these regulations and approval is obtained from the Building Department.
8. The actual site location of the tables and chairs shall be approved by the Village Building Department. The Building Department may, for reasons of public safety, determine that no tables or chairs may be placed in certain locations even if the other criteria set forth herein are met.

D. Size and Materials

1. Tabletops shall be round or square and shall not exceed thirty-six (36) inches in diameter or length of side.
2. No molded plastic chairs shall be permitted.
3. The permit holder shall be responsible for assuring cleanliness of removal of trash and debris arising from the use of the tables and chairs.
4. Only dark colors may be used.

E. Time When Tables and Chairs May Be Placed Outside

1. The use of these tables and chairs is not permitted between the hours of 10:00 PM and 7:00 AM, Sunday through Thursday, and 11:00 PM and 7:00 AM, Fridays and Saturdays. Tables and chairs may remain outside until the restaurant closes, but no one may sit at a table after the above hours. Tables and chairs must be removed from the sidewalk and brought inside once the restaurant is closed.
2. Tables and chairs must be removed from the public sidewalk at any time when the establishment to which they are adjacent is not opened for business.

F. Fee Permit Duration

1. No permit shall be issued unless the required fee is paid in advance. If tables and chairs are placed in any location where they are not allowed under the terms of the permit and these regulations, the Village shall have the right to remove the tables and chairs and a pick-up fee will be assessed to the permit holder in the amount of \$100.00.
2. Permits shall expire on March 31st of each year.
3. The annual permit fees shall be: \$50.00 for placement of one or two tables; \$100.00 for placement of three, four, or five tables; and \$150.00 for placement of six, seven, or eight tables.
4. Permits shall be issued annually and be renewable on March 31st of each year.
5. The permit holder must supply the Village with the Village's standard indemnity and hold of harmless agreement, and an insurance certificate naming the Village as an additional insured in the amount of \$1 million shall be required prior to the placement of any tables or chairs on the sidewalk.

F. Fee Permit Duration (continued)

- 6. A permit shall be valid only during the year in which it is issued. A new application must be filed for each season and a new fee paid.
- 7. The criteria set forth herein shall be deemed conditions of any permit issued hereunder, and violation of any such condition or any other conditions of the permit shall result in a termination and forfeiture of the permit.

Approved and adopted by the Larchmont Board of Trustees on April 3, 1995. Amended on August 9, 1999.

**INDEMNIFICATION & HOLD HARMLESS AGREEMENT
FOR PLACEMENT OF TABLES & CHAIRS ON PUBLIC SIDEWALKS**

I, _____, shall indemnify and save harmless the Village of Larchmont and their officers, agents, servants and employees, from and against any and all claims, demands, suits, proceedings, liabilities, judgments, awards, losses, damages, costs and expenses, including attorneys' fees, on account of bodily injury, sickness, disease or death sustained by any person or persons or injury or damage to or destruction of any property, directly or indirectly arising out of, relating to or in connection with this Permit, whether or not due or claimed to be due in whole or in part to the active, passive or concurrent negligence or fault of the Applicant, his officers, agents, servants or employees, any of his subcontractors, the Owner, the Village of Larchmont, or any of their respective officers, agents, servants or employees and/or any other person or persons, and whether or not such claims, demands, suits or proceedings are just, unjust, groundless, false or fraudulent; and the Applicant shall and does hereby assume and agrees to pay for the defense of all such claims, demands, suits and proceedings.

Signed: _____

Title: _____

Company: _____

Location: _____
(address)

(city, state, zip code)

Sworn to before me this

_____ day of _____, _____

Notary Public, County of Westchester



VILLAGE OF LARCHMONT REGULATIONS FOR PLACING TABLES AND CHAIRS ON PUBLIC SIDEWALKS

Chapter 245, Streets and Sidewalks

§ 245-1. Notification required.

[Amended 9-14-1987 by L.L. No. 4-1987]

No civil action shall be maintained against the Village of Larchmont for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert, unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place otherwise made reasonably safe.

§ 245-2. Construal of provisions.

Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the Incorporated Village of Larchmont.

ARTICLE II. Openings, Maintenance and Use

[Adopted 10-15-1962 as Ch. I of the Revised General Ordinances, as amended through 8-4-1975]

§ 245-3. Street openings restricted; permit required.

A. No opening or excavation shall be made in the streets or highways of the Village without a permit from the Village. Application for such permit must be made in writing.

[Amended 4-4-1977 by L.L. No. 4-1977]

B. Service charges, as set forth from time to time by resolution of the Board of Trustees, shall be paid before the issuance of the permit required under this section in order to cover the cost of the reconstruction and repair of the highway or street surface by the Village. The area of the opening shall be considered as extending 1/2 foot on all sides beyond the edges of the opening or excavation in the highway surface.

[Amended 4-4-1977 by L.L. No. 4-1977; 9-14-1987 by L.L. No. 4-1987]

C. The backfill in the opening shall be placed and flushed with water, unless otherwise permitted, and shall extend to the surface of the existing pavement or road surface.

D. No opening or excavation shall be made in the streets or highways of the Village until the applicant for the permit required under this section or his employer has given the Village a certificate of insurance in compliance with the Permit Insurance Requirements, which may be amended by the Village Board from time to time as it deems necessary. **Editor's Note: The Permit Insurance Requirements are on file in the office of the Village Clerk.**

[Amended 9-14-1987 by L.L. No. 4-1987]

E. There shall be a street opening permit, including an inspection charge, for each separate opening in highways made under the provisions of this section, and the fee paid shall cover inspection and restoration as set forth in § [245-6](#).

[Amended 9-14-1987 by L.L. No. 4-1987]

F. The provisions of Subsection [B](#) of this section shall not apply to excavations or openings in the streets or highways of the Village made by any public service utility serving the Village. The charge for such openings or excavations made by such public utilities shall be fixed by the Village Engineer in each case, but shall not exceed the cost of restoring the street or highway. A public utility may furnish a bond and cause the surfaces to be restored by its own agents, provided that the work is satisfactory to the Village Engineer.

[Amended 9-14-1987 by L.L. No. 4-1987]

G. All permits required by this section shall be issued by the Building Inspector, and all fees payable are payable to the Village Treasurer.

H. All work provided for under this section shall be performed under the inspection and subject to the approval of the Village Engineer.

I. All permits issued under this section are subject to modification, suspension or revocation by the Village Engineer for noncompliance with the provisions of this section or any part thereof.

§ 245-4. Guarding of openings.

[Amended 9-14-1987 by L.L. No. 4-1987]

All openings in highways shall be properly guarded and shall, between sundown and sunrise, be plainly lighted with flashing amber lights. Parties opening streets shall furnish their nighttime telephone number to the desk officer in the Larchmont Police Department and to the Engineer's office.